

Docket No. 5127

## MOSSE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of Barenkamp

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Serial No. 10/092880

Filing date: March 8, 2002

Title: High Molecular Weight Surface Proteins Of Non-typeable

Haemophilus

Group Art Unit 1645

Commissioner for Patents Washington, D.C. 20231

## RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS

Sir:

In response to the notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures, applicant makes the following statement in compliance with 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d):

The content of the sequence listing information recorded in computer readable form submitted to the USPTO on March 8, 2002, is identical to the written sequence listing filed on the same date and contains no new matter.

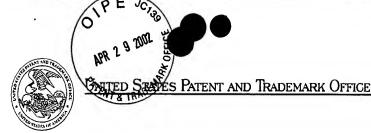
Figures 17-19, which were omitted from the application, are attached.

Charge any fee deficiency to deposit account 19-2110.

Charles W. Fallow Reg. No. 28,946

Marly Faller)

Shoemaker and Mattare, Ltd. 2001 Jefferson Davis Highway Arlington, Virginia 22202 (703) 415-0810 April 29, 2002





COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231

www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/092,880

03/08/2002

Stephen J. Barenkamp

5127

**CONFIRMATION NO. 2284** 

**FORMALITIES LETTER** 

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SHOEMAKER AND MATTARE **Suite 1203** 2001 Jefferson Davis Highway Arlington, VA 22202-0286

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Date Mailed: 04/16/2002

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE **DISCLOSURES**

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

 This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 17-19 described in the specification.
- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.



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III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS <u>TWO MONTH</u> PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

Customer Service Center

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 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE